

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE LOWER MANHATTAN DISASTER
SITE LITIGATION

PETER PHALON AND MELINDA PHALON,

Plaintiffs,

- against -

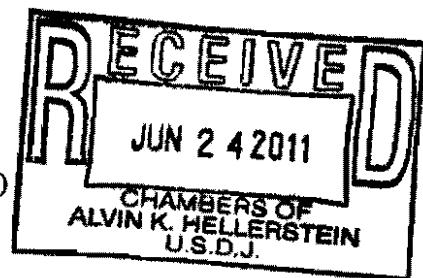
THE CITY OF NEW YORK, et al.

Defendants.

21 MC 102 (AKH)

09CV7119

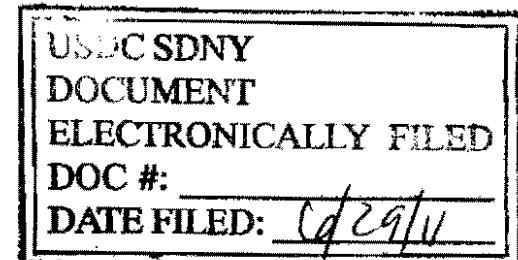
**PARTIAL STIPULATION OF
VOLUNTARY DISMISSAL
PURSUANT TO F.R.C.P.
41(a)(1)(A)(ii)**



Whereas Plaintiffs PETER PHALON AND MELINDA PHALON have elected to participate in the World Trade Center Settlement Process Agreement ("WTC SPA") to resolve claims against defendants insured by the World Trade Center Captive Insurance Company by tendering a general release and covenant not to sue in 2010; and

Whereas the claims of Plaintiffs PETER PHALON AND MELINDA PHALON were dismissed with prejudice pursuant to the Stipulated Order of Dismissal so ordered by this Court on January 28, 2011; and

Whereas Plaintiffs PETER PHALON AND MELINDA PHALON desire to participate in the reopened Victim Compensation Fund, and must, as a condition of their participation withdraw, with prejudice, any claims remaining in the United States District Court for the Southern District of New York;



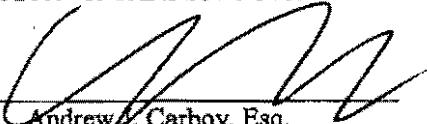
IT IS HEREBY STIPULATED AND AGREED by and between the parties that, pursuant to Federal Rule of Civil Procedure 41 (a)(1)(A)(ii):

1. All claims by Plaintiffs PETER PHALON and MELINDA PHALON against Defendants DEUTSCHE BANK TRUST CORPORATION ("DB TRUST"), individually and formerly known as Bankers Trust Corporation and Bankers Trust New York Corporation; DEUTSCHE BANK TRUST COMPANY AMERICAS ("DB Trust Americas"), individually and formerly known as Bankers Trust Company; DB PRIVATE CLIENTS CORPORATION ("DB Private Clients"), formerly known as BT Private Clients Corp.; and TISHMAN CONSTRUCTION CORP OF NEW YORK; TISHMAN INTERIORS CORP; TISHMAN CONSTRUCTION CORP OF MANHATTAN, arising out of or relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001, are voluntarily dismissed in full with prejudice; and
2. The dismissal is without costs.

Dated: June 22, 2011

SULLIVAN PAPAIN BLOCK
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By:


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OF NEW YORK; TISHMAN INTERIORS
CORP; TISHMAN CONSTRUCTION
CORP OF MANHATTAN
45 Broadway, 16th Floor
New York, New York 10006

SO ORDERED

DATED: 6/29 2011
New York, New York



Alvin K. Hellerstein
United States District Judge